

ARTICLE VI - UNPROFESSIONAL CONDUCT

SECTION 1 -

THE FOLLOWING ACTS ON THE PART OF ANY LICENSED OPTOMETRIST SHALL BE DEEMED BY THE BOARD TO BE UNPROFESSIONAL CONDUCT.

A. THE VIOLATION OF ANY OF THE PROVISIONS OF ACT 94 OF 1941, AS AMENDED BY ACT 102 OF 1957, ACT 710 OF 1979, ACT 875 OF 1985, ACT 101 OF 1987 AND ACTS 176/186 OF 1997.

B. THE VIOLATION OF ANY OF THE RULES AND REGULATIONS PROMULGATED BY THIS BOARD.

C. FOR ANY OPTOMETRIST TO FRAUDULENTLY REPRESENT OR MISREPRESENT ANY FACT CONCERNING HIS PROFESSIONAL ACTIVITIES TOWARD HIS PATIENT.

D. FALSE OR FRAUDULENT REPRESENTATION, OR MISREPRESENTATION, OF THE QUALITY OR EFFECTIVENESS OF MATERIALS USED BY SUCH OPTOMETRIST.

E. FOR ANY OPTOMETRIST TO TREAT OR PRESCRIBE FOR A PATIENT WHEN HE IS GROSSLY INCOMPETENT TO DO SO.

F. FOR ANY OPTOMETRIST TO MAKE AN EXORBITANT OR UNREASONABLE CHARGE FOR MATERIALS OR SERVICES RENDERED, OR FURNISHED BY HIM, TO HIS PATIENTS.

G. FOR ANY OPTOMETRIST TO BE CONVICTED OF A FELONY OR TO BE IDENTIFIED BY THE BOARD AS IMPAIRED. "IMPAIRED" SHALL MEAN THE PRESENCE OF ACTIVE ALCOHOLISM, SUBSTANCE (DRUG) ABUSE, AND/OR ANY OTHER MENTAL ILLNESS RESULTING IN PROFESSIONAL INCOMPETENCE (I.E.. THE INABILITY OR FAILURE OF PRACTITIONER TO PRACTICE OPTOMETRY WITH REASONABLE SKILL AND SAFETY).

H. FOR ANY OPTOMETRIST TO ACCEPT EMPLOYMENT FROM AN UNLICENSED PERSON OR CORPORATION TO ENGAGE IN THE PRACTICE OF OPTOMETRY.

I. FOR ANY OPTOMETRIST TO ADVERTISE IN ANY MANNER ANY FRAUDULENT, FALSE, OR MISLEADING STATEMENT AS TO THE SKILL OR METHOD OF HIS PRACTICE, OR TO ADVERTISE IN ANY MANNER THAT TENDS TO DECEIVE OR MISLEAD THE PUBLIC.

J. FOR ANY OPTOMETRIST TO ADVERTISE OR REPRESENT THAT HE POSSESSES A PECULIAR OR PARTICULAR TECHNIQUE OR DEGREE OF TRAINING WHICH MAKES HIM SUPERIOR TO, OR MORE EFFECTIVE, IN THE PRACTICE OF OPTOMETRY THAN OTHER OPTOMETRISTS.

K. FOR ANY OPTOMETRIST TO FAIL TO KEEP SECRET AND INVIOLEATE ALL INFORMATION OF A PERSONAL NATURE OBTAINED BY HIM WHILE ACTING IN HIS PROFESSIONAL CAPACITY.

L. FOR ANY OPTOMETRIST TO EXAGGERATE THE VISUAL DEFECTS OF A PATIENT, BUT ON THE OTHER HAND MUST REVEAL IN A FAIR AND CANDID MANNER THE ACTUAL CONDITION OF THE PATIENT, IF REQUESTED TO DO SO.

M. FOR ANY OPTOMETRIST TO USE AN UNPROFESSIONAL DISPLAY SIGN OF ANY TYPE, PROVIDED, HOWEVER, PAINT, GOLD-LEAF, OR OTHER FORMS OF LETTERING ON WINDOWS, DOORS OR WALLS MAY

BE USED SETTING FORTH THE NAME AND TITLE "OPTOMETRIST" OR "DOCTOR OF OPTOMETRY" OR THE ABBREVIATION "O.D.," PROVIDED FURTHER, DUE TO MULTIPLE PRACTICES WHEN AN O.D. DOES ONE THING AND THE OTHER DOES ANOTHER, AND FURTHER, DUE TO OFFICES LOCATED IN SHOPPING CENTERS AND LOCATED AWAY FROM THE STREET, IT WOULD BE CONSIDERED PROFESSIONAL AND ETHICAL FOR A SIGN IN SMALL LETTERS TO BE PLACED NEAR THE STREET, ALSO ON BUILDING WHERE OFFICE IS LOCATED; BE IT FURTHER CONSIDERED PROFESSIONAL, DUE TO PROFESSIONAL CORPORATION ACT, THAT THE SIGN MAY READ AS FOLLOWS:

1. (LAST NAME) - OPTOMETRIC VISION CLINIC
2. (FULL NAME) - O.D. OR DOCTOR OF OPTOMETRY
3. (FULL NAME) - OPTOMETRIST, O.D., OR DOCTOR OF OPTOMETRY NOT ALL
4. IF INCORPORATED, P.A., P.C., OR LTD, FOLLOWS O.D. OR INCORPORATED NAME.

N. FOR ANY OPTOMETRIST TO PRACTICE UNDER ANY NAME OTHER THAN HIS OWN PROPER NAME.

O. THE RECEIPT, DIRECTLY OR INDIRECTLY, OF ANY REBATE, COMMISSION, REFUND, OR DISCOUNT FROM ANY PERSON, FIRM, OR CORPORATION WHO SUPPLIES AND/OR DISPENSES OPHTHALMIC MATERIALS DIRECTLY TO THE OPTOMETRIST'S PATIENT, WHETHER SAID REBATE, COMMISSION, REFUND, OR DISCOUNT IN THE FORM OF MONEY, PROPERTY, OR OTHER FINANCIAL CONSIDERATIONS, WHETHER IT BE BASED UPON A PERCENTAGE OR UPON THE DIFFERENCE BETWEEN SO-CALLED WHOLESALE AND RETAIL PRICE, OR OTHERWISE.

IT IS DETERMINED BY THE BOARD THAT THE PRECEDING ACTS ARE UNETHICAL AND CONSTITUTE UNPROFESSIONAL CONDUCT, AND SHALL BE DISCONTINUED FORTHWITH UNDER PENALTY OF REVOCATION OR SUSPENSION OF LICENSE AND/OR FINES FOR VIOLATION THEREOF.

P. ARKANSAS CODE ANNOTATED § 17-90-305 PROVIDES THAT THE BOARD MAY DISCIPLINE AN OPTOMETRIST FOR EXHIBITING UNPROFESSIONAL CONDUCT. ANY PRESCRIPTION WRITTEN BY A LICENSED OPTOMETRIST IN THE STATE OF ARKANSAS WILL CONTAIN AND COMPLY WITH THE FOLLOWING:

THE NAME OF THE PRESCRIBING OPTOMETRIST MUST BE PRINTED ON EACH PRESCRIPTION IN A LEGIBLE MANNER.

THE ADDRESS AND TELEPHONE NUMBER OF THE PRESCRIBING OPTOMETRIST MUST BE PLACED ON THE TYPE PRINTED FORM ON THE PRESCRIPTION.

THE STATE LICENSE NUMBER AS ISSUED BY THE ARKANSAS STATE BOARD OF OPTOMETRY TO THE PRESCRIBING OPTOMETRIST MUST BE CLEARLY WRITTEN ON THE PRESCRIPTION.

THE PRESCRIBING OPTOMETRIST MUST PLACE HIS SIGNATURE ON EACH PRESCRIPTION.

THE BODY OF THE PRESCRIPTION MUST BE LEGIBLE IN ORDER TO CLEARLY COMMUNICATE THE QUANTITY AND STRENGTH OF THE SUBSTANCE OR ITEM TO BE PRESCRIBED AS WELL AS ANY INSTRUCTIONS FOR A MEDICATION OR USE OF THE ITEM IN ORDER TO INSURE SAFETY OF THE PATIENT.

THAT THE NAME OF THE PATIENT FOR WHOM THE PRESCRIPTION IS WRITTEN MUST BE CLEARLY PRINTED ON THE PRESCRIPTION.

THE DATE THAT THE PRESCRIPTION IS GIVEN TO THE PATIENT MUST BE WRITTEN ON THE PRESCRIPTION.

AN OPTOMETRIST WOULD BE CONSIDERED AS EXHIBITING UNPROFESSIONAL CONDUCT IF HE DOES NOT COMPLY WITH THE ABOVE STATE REQUIREMENTS IN WRITING PRESCRIPTIONS.

Q. AN OPTOMETRIST WILL HAVE TWENTY-FOUR HOUR ACCESS TO HIS OFFICE AND PATIENT RECORDS, SO THAT HE MAY PROVIDE EMERGENCY SERVICES TO PATIENTS WHEN NECESSARY. A FAILURE TO HAVE SUCH ACCESS WOULD BE CONSIDERED AS UNPROFESSIONAL CONDUCT AND OF A DANGER AND HARM TO HIS PATIENTS.